# EXHIBIT G

	,
RICHARD E. WINNIE [68048]	
County Counsel	1
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	001002007 2
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

#### NOTICE TO CONSUMER

TO: KEE, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Pacific Forensic Psychology Associates Inc. 870 Market Street #1277 San Francisco, CA 94102-2918

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley / Assistant County Counsel Attorney for County of Alameda AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DI	STRICT COURT
Northern District of	Colifornia
Northern District of	Camorina
J.H., et al. )	
Plaintiff )	Civil Action No. CV10-02507 LHK
v. ) Baldovinos, et al.	
)	(If the action is pending in another district, state where:
Defendant )	,
SUBPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF PR	S, INFORMATION, OR OBJECTS LEMISES IN A CIVIL ACTION
To: Pacific Forensic Psychology Associates, Inc., 870 Market	Street #1277, San Francisco, CA 94102-2918
documents, electronically stored information, or objects, and permaterial:  the complete medical record, including any psychiatric abuse for Belinda Kanaka Belinda	the time, date, and place set forth below the following mit their inspection, copying, testing, or sampling of the or psychological treatment and treatment for substance DOB
Place: are the County Alamada County	Date and Time:
Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	02/02/2011 9:00 am
Of Inspection of Premises: YOU ARE COMMANDED to other property possessed or controlled by you at the time, date, may inspect, measure, survey, photograph, test, or sample the p	
Place:	Date and Time:
Place:	
The provisions of Fed. R. Civ. P. 45(c), relating to your 45 (d) and (e), relating to your duty to respond to this subpoena attached.	protection as a person subject to a subpoena, and Rule and the potential consequences of not doing so, are
Date:	
CLERK OF COURT	OR MI Could
Signature of Clerk or Deputy Clerk	Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party)

Mary Ellyn Gormiey; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

County of Alameda

, who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received by me on (date			
☐ I served the sub	ppoena by delivering a copy to the nam	ed person as follows:	
,		on (date)	or
☐ I returned the s	subpoena unexecuted because:		
Unless the subpoetendered to the wi	ena was issued on behalf of the United itness fees for one day's attendance, an	States, or one of its officers or agents, ld the mileage allowed by law, in the an	have also nount of
· \$	∵ <b>a</b> to	and the same of	
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information is	s true.	•
te:			
	<del>_</del>	Server's signature	
ic			
		Printed name and title	
		Printed name and title	
		Printed name and title  Server's address	

Additional information regarding attempted service, etc:

# Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoens.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
  - (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. RE: United States District Court - Northern District of California (San Jose Division) Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 4 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 8 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street Suite 2800 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 3

RICHARD E. WINNIE [68048]	
County Counsel MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION	
(45 C.F.R. § 164.512(e))	

## NOTICE TO CONSUMER

TO: Care of BELINDA K

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011

The records are described in the subpoena directed to

Dr. Judy Moore Families First, Inc. 2100 Fifth Street Davis, CA 95616

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyr Gormley / Assistant County Counsel Attorney for County of Alameda AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the

		tor me	•
	Northern Di	strict of C	California
Вг	J.H., et al.  Plaintiff  V.  aldovinos, et al.  Defendant	)	Civil Action No. CV10-02507 LHK  (If the action is pending in another district, state where:
QT)	·	A TENTO	S, INFORMATION, OR OBJECTS
50	OR TO PERMIT INSPECTION	OF PRE	EMISES IN A CIVIL ACTION
To: Dr. Judy Moore	, Families First, Inc., 2100 Fifth Stre	et, Davis	s, CA 95616
documents, electronic material:  the complet abuse for B	cally stored information, or objects, emedical record, including any psyc	and perm chiatric o	the time, date, and place set forth below the following mit their inspection, copying, testing, or sampling of or psychological treatment and treatment for substantial DOB and Jacks aka
Place: Office of the	County Counsel, Alameda County		Date and Time:
1221 Oak St Oakland, CA	reet, Suite 450		02/02/2011 9:00 am
other property posses	sed or controlled by you at the time.	date, an	permit entry onto the designated premises, land, or and location set forth below, so that the requesting parapetry or any designated object or operation on it.  Date and Time:
The provision 45 (d) and (e), relating attached.	ns of Fed. R. Civ. P. 45(c), relating to g to your duty to respond to this sub	o your pr poena an	protection as a person subject to a subpoena, and Rul and the potential consequences of not doing so, are
Date:	· · · · · · · · · · · · · · · · · · ·		
	CLERK OF COURT		OR Masoruly
	Signature of Clerk or Deputy	Clerk	Attorney's signature
The name, address, e-	mail, and telephone number of the a	ttorney r	representing (name of party) Gounty of Alameda
			, who issues or requests this subpoena, are:
Mary Ellyn Gormley; I County; 1221 Oak St.	Mary.ellyn.gormley@acgov.org; (51 ., Suite 450, Oakland, CA 94612	0) 272-6	8700 x 26717; Office of the County Counsel, Alamed

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpas received by m		individual and title, if any)		
☐ I serve	d the subpoena l	by delivering a copy to the name	i person as follows:	
			on (date)	; or
☐ I return		a unexecuted because:		
Unless the	e subpoena was i	ssued on behalf of the United Stes for one day's attendance, and t	ates, or one of its officers or agents, he mileage allowed by law, in the a	I have also mount of
\$	*		i.	
y fees are \$		for travel and \$	for services, for a total of \$	0.00
I declare u	inder penalty of	perjury that this information is to	ue.	
te:	·		Server's signature	
		AND THE PARTY OF T	Printed name and title	
			Server's address	

Additional information regarding attempted service, etc:

#### Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

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  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (III) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
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- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) 2 Case No. C 10-2507 LHK PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K 12 Aaron Cohn Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street 14 Suite 2800 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for malling. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011 23 24 Ha E. Smith 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

### NOTICE TO CONSUMER

TO: KES, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

A Better Way, Inc. 3200 Adeline Street Berkeley, CA 94703-2407.

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley Assistant County Counsel Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

	for the
Northern	District of California
J.H., et al.  Plaintiff  V.  Baidovinos, et al.	) ) (Civil Action No. CV10-02507 LHK )
Defendant	(If the action is pending in another district, state where: )
SUBPOENA TO PRODUCE DO OR TO PERMIT INSPECTIO	CUMENTS, INFORMATION, OR OBJECTS ON OF PREMISES IN A CIVIL ACTION
To: A Better Way, Inc., 3200 Adeline Street, Berkele	ey, CA 94703-2407
documents, electronically stored information, or object material:	produce at the time, date, and place set forth below the following ets, and permit their inspection, copying, testing, or sampling of the psychiatric or psychological treatment and treatment for substance in SSN
Place: Office of the County Counsel, Alameda Coun 1221 Oak Street, Suite 450 Oakland, CA 94612	Date and Time: 02/02/2011 9:00 am
other property possessed or controlled by you at the ti	ANDED to permit entry onto the designated premises, land, or me, date, and location set forth below, so that the requesting party uple the property or any designated object or operation on it.
Place:	Date and Time:
The provisions of Fed. R. Civ. P. 45(c), relating 45 (d) and (e), relating to your duty to respond to this attached.	ng to your protection as a person subject to a subpoena, and Rule subpoena and the potential consequences of not doing so, are
Date;	
CLERK OF COURT	OR Massaly
Signature of Clerk or Dep	outy Clerk httorney's signature
The name, address, e-mail, and telephone number of t	he attorney representing (name of party)  County of Alameda  , who issues or requests this subpoena, are:
Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; County: 1221 Oak St., Suite 450, Oakland, CA 94612	(510) 272-6700 x 26717; Office of the County Counsel, Alameda

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2) Civil Action No. CV10-02507 LHK PROOF OF SERVICE (This section should not be filed with the court unless required by Fed. R. Civ. P. 45.) This subpoena for (name of individual and title, if any) was received by me on (date) ☐ I served the subpoena by delivering a copy to the named person as follows: on (date) \_\_\_\_\_; or ☐ I returned the subpoena unexecuted because: Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of for services, for a total of \$ for travel and \$ My fees are \$ I declare under penalty of perjury that this information is true. Date: Server's signature Printed name and title Server's address

Additional information regarding attempted service, etc:

# Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person - except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoensed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trialpreparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 RE: IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. United States District Court - Northern District of California (San Jose Division) 2 Case No. C 10-2507 LHK 3 PROOF OF SERVICE I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of 5 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 6 On the below date, I served the attached: 7 NOTICE TO CONSUMDER; and SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K 12 Aaron Cohn Matthew Vafidis 13 **HOLLAND & KNIGHT** 50 California Street 14 **Suite 2800** San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ 18 Counsel, Alameda County's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for 19 collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 22 I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27

PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

28

RICHARD E. WINNIE [68048]	
County Counsel	İ
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

#### NOTICE TO CONSUMER

#### TO: KIE, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Dr. Adrienne Candell Kalser Permanente Psychiatry 3553 Whipple Rd Bldg B Union City, CA 94587

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley / Assistant County Counsel Attorney for County of Alameda AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Northern District	of California
J.H., et al)	
Plaintiff )	Civil Action No. CV10-02507 LHK
v. )	Civil Action No. 64 10-02001 2: 11
Baldovinos, et al.	(If the action is pending in another district, state where:
Defendant . )	)
SUBPOENA TO PRODUCE DOCUME OR TO PERMIT INSPECTION OF	NTS, INFORMATION, OR OBJECTS PREMISES IN A CIVIL ACTION
To: Dr. Adrienne Candell, Kaiser Permanente Psychiatry, 3	553 Whipple Rd Bldg B, Union City, CA 94587
locuments, electronically stored information, or objects, and naterial:	e at the time, date, and place set forth below the following permit their inspection, copying, testing, or sampling of the tric or psychological treatment and treatment for substance DOB and beautiful aka
	Date and Time:
Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	02/02/2011 9:00 am
other property possessed or controlled by you at the time, can may inspect, measure, survey, photograph, test, or sample the Place:	Date and Time:
The provisions of Fed. R. Civ. P. 45(c), relating to y 45 (d) and (e), relating to your duty to respond to this subpodutached.	rour protection as a person subject to a subpoena, and Rule ena and the potential consequences of not doing so, are
Date:	
CLERK OF COURT	OR Me Souly
Signature of Clerk or Deputy Cler	rk Attorney's signafure
The name, address, e-mail, and telephone number of the atto	, Who issues of feducara rura and popular, are:
Mary Ellyn Gormley; Mary ellyn gormley@acgov.org; (510) County; 1221 Oak St., Suite 450, Oakland, CA 94612	272-6700 x 26717; Office of the County Counsel, Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

Additional information regarding attempted service, etc:

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

received by me on (d	or (name of individual and title, if any)  Late)		
☐ I served the s	ubpoena by delivering a copy to the r	named person as follows:	
***		on (date)	; or
☐ I returned the	subpoena unexecuted because:		
tendered to the v	pena was issued on behalf of the Unit vitness fees for one day's attendance.	ted States, or one of its officers or agents, and the mileage allowed by law, in the	, I have also amount of
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	penalty of perjury that this information	on is true.	
		Server's signature	
e:	· • • • • • • • • • • • • • • • • • • •		
te:	4.	Printed name and title	
te:		•	

#### Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

#### (c) Protecting a Person Subject to a Subpoena.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (II) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (1) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held:
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoens, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
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- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. United States District Court - Northern District of California (San Jose Division) 1 RE: Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 4 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 8 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	}
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION	
(45 C.F.R. § 164.512(e))	

#### NOTICE TO CONSUMER

## TO: James, care of BELINDA K

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Kari Bailey Seneca Center Administrative Offices 2275 Arlington Drive San Leandro, CA 94578

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyň Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

	for the
Northern D	District of California
J.H., et al.	)
Plaintiff	) Civil Action No. CV10-02507 LHK
ν.	Civil Action No. CV 10-02007 2144
Baldovinos, et al.	) (If the action is pending in another district, state where:
Defendant	)
SUBPOENA TO PRODUCE DOC OR TO PERMIT INSPECTION	UMENTS, INFORMATION, OR OBJECTS N OF PREMISES IN A CIVIL ACTION
To: Kari Bailey, Seneca Center Administrative Offices	s, 2275 Arlington Drive, San Leandro, CA 94578
documents, electronically stored information, or objects material:  the complete medical record, including any page 1.	roduce at the time, date, and place set forth below the following is, and permit their inspection, copying, testing, or sampling of the sychiatric or psychological treatment and treatment for substance is SSN and DOB and Jacobs aka
	Date and Time:
Place: Office of the County Counsel, Alameda Count 1221 Oak Street, Suite 450 Oakland, CA 94612	02/02/2011 9:00 am
Place:	pple the property or any designated object or operation on it.  Date and Time:
	I Dule
The provisions of Fed. R. Civ. P. 45(c), relating 45 (d) and (e), relating to your duty to respond to this attached.	ng to your protection as a person subject to a subpoena, and Rule subpocna and the potential consequences of not doing so, are
Date:	
CLERK OF COURT	OR Megormly
Signature of Clerk or Dep	outy Clerk Attorney's signature
The name, address, e-mail, and telephone number of t	, who issues of requests and suspension
Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; County; 1221 Oak St., Suite 450, Oakland, CA 94612	; (510) 272-6700 x 26717; Office of the County Counsel, Alameda 2

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No.

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

☐ I served the s	ubpoena by delivering a copy to the na	med person as follows:	
G 1001 vod mo a	aoposita oy donvoring a copy to the in	mon person as renows.	
		on (date)	; or
☐ I returned the	subpoena unexecuted because:		
	pena was issued on behalf of the United vitness fees for one day's attendance, at		
¢			
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information i	is true.	
e:		Server's signature	
е;			
		Printed name and title	
	. <u></u>	Printed name and title	· · · · · · · · · · · · · · · · · · ·

Additional information regarding attempted service, etc:

# Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (fi) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (1) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
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- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(if) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

1 RE: In the Matter of J.H., a Minor, et al. v. Yolanda Baldovinos, et al. United States District Court - Northern District of California (San Jose Division) 2 Case No. C 10-2507 LHK 3 **PROOF OF SERVICE** 4 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 5 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 6 On the below date, I served the attached: 7 NOTICE TO CONSUMDER; and 8 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 10 in the above-mentioned matter on the parties to this action by placing a true copy thereof in a sealed envelope, addressed as follows: 11 Aaron Cohn 12 Plaintiff Belina K Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street 14 **Suite 2800** San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17  $\boxtimes$ BY CERTIFIED MAIL: I am readily familiar with the Office of the County 18 Counsel, Alameda County's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for 19 collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 22 I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27

PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

28

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda Kirk	
Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION	
(45 C.F.R. § 164.512(e))	

#### NOTICE TO CONSUMER

TO: JACK, care of BELINDA K

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Kalser Permanente 1814 Franklin St., 5th Floor Oakland, CA 94612.

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this Notice. Alternatively, you may move the Court to modify or quash the Subpoena.
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the

101 1110	
Northern District o	of California
J.H., et al.	
Plaintiff )	
v. )	Civil Action No. CV10-02507 LHK
Baldovinos, et al.	the section district state where
	(If the action is pending in another district, state where:
Defendant )	
SUBPOENA TO PRODUCE DOCUMENT OR TO PERMIT INSPECTION OF P	TS, INFORMATION, OR OBJECTS REMISES IN A CIVIL ACTION
Γο: Kaiser Permanente, 1814 Franklin St., 5th Floor, Oakland	d, CA 94612
Production: YOU ARE COMMANDED to produce a documents, electronically stored information, or objects, and penaterial:  the complete medical record, including any psychlatriabuse for Jacobska aka and SSN	ic or psychological treatment and treatment for substance
	Date and Time:
Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	02/02/2011 9:00 am
other property possessed or controlled by you at the time, date may inspect, measure, survey, photograph, test, or sample the Place:	Date and Time:
·	
The provisions of Fed. R. Civ. P. 45(c), relating to you 45 (d) and (e), relating to your duty to respond to this subpoen attached.	ur protection as a person subject to a subpoena, and Rule na and the potential consequences of not doing so, are
Date:	
CLERK OF COURT	OR MCSIMLY Attorney's kignature
Signature of Clerk or Deputy Clerk	Attorney's signature
The name, address, e-mail, and telephone number of the attorn	, who issues or requests this supported are.
Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 2 County; 1221 Oak St., Sulte 450, Oakland, CA 94612	72-6700 x 26717; Office of the County Counsel, Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

		med person as follows:	
***************************************		on (date)	; or
	subpoena unexecuted because:		
1			
tendered to the w	ena was issued on behalf of the United itness fees for one day's attendance, as	I States, or one of its officers or agents and the mileage allowed by law, in the	s, I have also amount of
4	•		
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	enalty of perjury that this information i	is true.	
ite:			
***************************************	<del></del>	Server's signature	
		•	
		Printed name and title	
		Printed name and title	
		Printed name and title	
		Printed name and title	

Additional information regarding attempted service, etc:

# Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

### (c) Protecting a Person Subject to a Subpoena.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpocaa a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpocaa is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iti) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

## (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpocuaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina Kirk Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street Suite 2800 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	ļ
Petitioner: Belinda K	·
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

### NOTICE TO CONSUMER

#### TO: KER, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

Kaiser Permanente 1814 Franklin St., 5th Floor Oakland, CA 94612

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gorfnley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the

	7,	OI MIC				
· ·	Northern Dist	rict of Califor	nia			
	J.H., et al.	<b>)</b>				
	Plaintiff	í				
	v.	) Civil	Action No.	CV10-0	2507 LHK	
Ra	ildovinos, et al.	)				
Da	iiouviiios, et ai.	) (If the	action is pend	ing in anothe	er district, state where:	
	Defendant	)			)	
sui	BPOENA TO PRODUCE DOCUM OR TO PERMIT INSPECTION C	TENTS, INFO OF PREMISE	ORMATIO ES IN A CI	ON, OR O	BJECTS TON	
To: Kaiser Permane	ente, 1814 Franklin St., 5th Floor, Oal	kland, CA 946	12			
documents, electronic material: the complete	OU ARE COMMANDED to product ally stored information, or objects, as medical record, including any psycholinda Kanaka Belinda	nd permit thei niatric or psyc	r inspection	i, copying,	, testing, or samplin	g of the
Diago		Date	and Time:			
Place: Office of the	County Counsel, Alameda County	Daic	and inne.			
1221 Oak Str Oakland, CA	reet, Suite 450			02/02/201	11 9:00 am	
Place:	, survey, photograph, test, or sample		and Time:	nated doje	ect or operation on a	L.
					-	
The provision: 45 (d) and (e), relating attached.	s of Fed. R. Civ. P. 45(c), relating to g to your duty to respond to this subp	your protecti oena and the	on as a pers potential co	son subject ensequence	t to a subpoena, and es of not doing so, a	i Rule ire
Date:	<del></del>					
	CLERK OF COURT	O	R /	MER	gruly	
	Signature of Clerk or Deputy Co	lerk		Arto	rney's signature	
The name, address, e-r	nail, and telephone number of the att	torney represe			County of Alam	
			, who issu	es or requ	ests this subpoena,	are:
Mary Ellyn Gormley; N County; 1221 Oak St.	Mary.ellyn.gormley@acgov.org; (510 , Suite 450, Oakland, CA 94612	) 272-6700 x	26717; Offic	ce of the C	County Counsel, Ala	meda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

Additional information regarding attempted service, etc:

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	(name of individual and title, if any)		
vas received by me on (da	ne)		
☐ I served the su	bpoena by delivering a copy to the nar	ned person as follows:	
		on (date)	OF
☐ I returned the s	subpoena unexecuted because:		
		States, or one of its officers or agents, I d the mileage allowed by law, in the am	
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	nalty of perjury that this information is	s true.	
te:		· .	
		Server's signature	
		Printed name and title	,
	-	Server's address	

#### Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

- (c) Protecting a Person Subject to a Subpoena.
- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
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- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
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- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011 23 24 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048] County Counsel MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

TO: KEE, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Dr. Aliyeh Kohbod 1904 Franklin Street #509 Oakland, CA 94612.

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley Assistant County Counsel Attorney for County of Alameda AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

material:

Place:

Place:

### United States District Court for the Northern District of California J.H., et al. Plaintiff Civil Action No. CV10-02507 LHK ν. Baldovinos, et al. (If the action is pending in another district, state where: Defendant SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Dr. Aliyeh Kohbod, 1904 Franklin Street #509, Oakland, CA 94612 Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the the complete medical record, including any psychiatric or psychological treatment and treatment for substance DOB abuse for Belinda Karaka Belinda Amarika, SSN Date and Time: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 02/02/2011 9:00 am Oakland, CA 94612

Date and Time:

☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

The provi 45 (d) and (e), relatached.	sions of Fed. R. Civ. P. 45(c), relating to your pating to your duty to respond to this subpoens a	protection and the pote	s a person subjecential consequence	t to a subpoena, and Rule es of not doing so, are
Date:				
•	CLERK OF COURT	OR	728	Sulur
	Signature of Clerk or Deputy Clerk		Atto	rney's signature
	s, e-mail, and telephone number of the attorney			County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

s received by me on (de			
☐ I served the su	bpoena by delivering a copy to the nar	ned person as follows:	<u></u>
		On (date) ;	or
☐ I returned the	subpoena unexecuted because:		
Unless the subpotendered to the w	ena was issued on behalf of the United itness fees for one day's attendance, a	States, or one of its officers or agents, I and the mileage allowed by law, in the am	have also ount of
\$			
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information	is true.	
te:		Server's signature	
		Gerver & vignature	
		Printed name and title	
		Server's address	<del></del>

- (c) Protecting a Person Subject to a Subpoena.
- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoensed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(o)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. United States District Court - Northern District of California (San Jose Division) RE: 1 Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 4 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 8 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 BY CERTIFIED MAIL: I am readily familiar with the Office of the County 17 Counsel, Alameda County's practice for collecting and processing X 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	<b>i</b>
1221 Oak Street, Suite 450, Oakland, CA 94612	l
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda Me	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

#### TO: KEE, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Dr. Judy Moore Families First, Inc. 2100 Fifth Street Davis, CA 95616

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley Assistant County Counsel Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT Northern District of California J.H., et al. Plaintiff . Civil Action No. CV10-02507 LHK ٧. Baidovinos, et al. (If the action is pending in another district, state where: Defendant SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Dr. Judy Moore, Families First, Inc., 2100 Fifth Street, Davis, CA 95616 Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: the complete medical record, including any psychiatric or psychological treatment and treatment for substance DOB WILL SSN abuse for Belinda Kanaka Belinda D, DOB 🎜 Date and Time: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 02/02/2011 9:00 am Oakland, CA 94612 ☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Date and Time: Place: The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

CLERK OF COURT Signature of Clerk or Deputy Clerk The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda , who issues or requests this subpoena, are: Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda County; 1221 Oak St., Suite 450, Oakland, CA 94612

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

## PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoo	ena for (name of	individual and title, if any)		
received by me	on (date)			
☐ I served	the subpoena t	y delivering a copy to the nam	ed person as follows:	
			on (date)	; or
☐ I returne	d the subpoens	unexecuted because:		
Unless the stendered to	subpoena was the witness fee	ssued on behalf of the United es for one day's attendance, an	States, or one of its officers or age d the mileage allowed by law, in the	nts, I have also he amount of
fees are \$	*	for travel and \$	for services, for a total of	P\$ <u>0.00</u>
I declare ur	nder penalty of	perjury that this information i	s true.	
e:			Server's signature	
			Printed name and title	
			Server's address	

#### (c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
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#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpocnaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) 2 Case No. C 10-2507 LHK PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 4 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County 図 Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27 28

PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	· .
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

TO: KEE, BELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

Kari Bailey Seneca Center Administrative Offices 2275 Arlington Drive San Leandro, CA 94578

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley/ Assistant County Counsel Attorney for County of Alameda

100

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the

	Northern Dictr		
	Mortherit Dian	ict of California	•
	J.H., et al.	)	
	Plaintiff	)	
	v.	) Civil Action No. CV10-02507 LHK	
Ва	Idovinos, et al.	) (If the action is pending in another district, state where:	
	Defendant	)	
SUI	BPOENA TO PRODUCE DOCUM OR TO PERMIT INSPECTION O	ENTS, INFORMATION, OR OBJECTS OF PREMISES IN A CIVIL ACTION	
To: Kari Bailey, Sen	eca Center Administrative Offices, 22	75 Arlington Drive, San Leandro, CA 94578	
documents, electronic material: the complete abuse for Be	ally stored information, or objects, ar	nce at the time, date, and place set forth below the following permit their inspection, copying, testing, or samplification or psychological treatment and treatment for supplies.  DOB Topic and Jack Topical	bstance
		Date and Time:	1
Disass	a comment Alamada County	1 Date and 1 miles	
1221 Oak St Oakland, CA	Premises: YOU ARE COMMAND	02/02/2011 9:00 am  ED to permit entry onto the designated premises, landers, and location set forth below, so that the requestions are forth below.	
1221 Oak St Oakland, CA	reet, Suite 450 94612  Premises: YOU ARE COMMAND	02/02/2011 9:00 am	
1221 Oak St Oakland, CA  Inspection of other property posses may inspect, measure  Place:	Premises: YOU ARE COMMAND seed or controlled by you at the time, survey, photograph, test, or sample	O2/02/2011 9:00 am  ED to permit entry onto the designated premises, landate, and location set forth below, so that the requestithe property or any designated object or operation on	it.
1221 Oak St Oakland, CA  Inspection of other property posses may inspect, measure  Place:  The provision 45 (d) and (e), relatin	Premises: YOU ARE COMMAND seed or controlled by you at the time, survey, photograph, test, or sample	Date and Time:  O2/02/2011 9:00 am  ED to permit entry onto the designated premises, land date, and location set forth below, so that the requestion the property or any designated object or operation on Date and Time:	it.
1221 Oak St Oakland, CA  Inspection of other property posses may inspect, measure  Place:  The provision 45 (d) and (e), relatin attached.	Premises: YOU ARE COMMAND seed or controlled by you at the time, survey, photograph, test, or sample	Date and Time:  O2/02/2011 9:00 am  ED to permit entry onto the designated premises, land date, and location set forth below, so that the requestion the property or any designated object or operation on Date and Time:	it.
1221 Oak St Oakland, CA  Inspection of other property posses may inspect, measure  Place:  The provision 45 (d) and (e), relatin attached.	reet, Suite 450 3 94612  Premises: YOU ARE COMMAND sed or controlled by you at the time, e, survey, photograph, test, or sample as of Fed. R. Civ. P. 45(c), relating to get to your duty to respond to this subject to the subject of the subject to the subject of the subject to	Date and Time:  OR Description of the designated premises, land date, and location set forth below, so that the requestion on the property or any designated object or operation on Date and Time:  Or your protection as a person subject to a subpoena, and opena and the potential consequences of not doing so the property of the propert	it.

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

as received by me on (date	· ·		
☐ I served the sub	poena by delivering a copy to the nar	ned person as follows:	
		On (date)	; or
☐ I returned the s	ubpoena unexecuted because:		· · · · · · · · · · · · · · · · · · ·
Unless the subpose	na was issued on behalf of the United	States, or one of its officers or agents, lid the mileage allowed by law, in the ar	I have also
\$		d the inneage anowed by item, in the an	
v fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under per	nalty of perjury that this information i	s true.	
e:		Server's signature	<del>, , , , , , , , , , , , , , , , , , , </del>
te:	· · · · · · · · · · · · · · · · · · ·	Server's signature Printed name and title	
ite:			

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction - which may include lost earnings and reasonable attorney's fees - on a party or attorney who fails to comply.

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(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

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IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. United States District Court - Northern District of California (San Jose Division) 1 RE: Case No. C 10-2507 LHK 2 **PROOF OF SERVICE** 3 I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of 4 Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 7 NOTICE TO CONSUMDER; and SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 15 Tel: 415-743-6900 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County X Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011 23 24 25 26 27 28

PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	:
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda K	[
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	

#### TO: KEELINDA

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011
The records are described in the subpoena directed to

Carmel Ross, MFT 20200 Redwood Road Suite 6 Castro Valley, CA 94546

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley
Assistant County Counsel

Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the Northern District of California J.H., et al. Plaintiff Civil Action No. CV10-02507 LHK ٧. Baldovinos, et al. (If the action is pending in another district, state where: Defendant SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION To: Carmel Ross, MFT, 20200 Redwood Road Suite 6, Castro Valley, CA 94546 Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: the complete medical record, including any psychiatric or psychological treatment and treatment for substance abuse for Belinda Kan aka Belinda DOB T Date and Time: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 02/02/2011 9:00 am Oakland, CA 94612 Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it. Date and Time: Place: The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached. Date: CLERK OF COURT Signature of Clerk or Deputy Clerk The name, address, e-mail, and telephone number of the attorney representing (name of party) County of Alameda

Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 272-6700 x 26717; Office of the County Counsel, Alameda

County; 1221 Oak St., Suite 450, Oakland, CA 94612

, who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for as received by me on (da	(name of individual and title, if any) te)		
☐ I served the su	opoena by delivering a copy to the nar	ned person as follows:	
		On (date)	or
	ubpoena unexecuted because:		
Unless the subpoetendered to the wi	na was issued on behalf of the United tness fees for one day's attendance, ar	States, or one of its officers or agents, I	have also nount of
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under pe	nalty of perjury that this information i	s true.	
e:		Server's signature	
		Printed name and title	
	·		

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ff) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) 2 Case No. C 10-2507 LHK PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis HOLLAND & KNIGHT 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County  $\boxtimes$ Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011. 23 24 25 26 27 28

	1
RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda Kirk	
Respondent: County of Alameda	
NOTICE TO CONSUMER AND OBJECTION	
(45 C.F.R. § 164.512(e))	

TO: MINISTER care of BELINDA K

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 2, 2011 The records are described in the subpoena directed to

Dr. Adrienne Candell Kaiser Permanente Psychiatry 3563 Whipple Rd Bldg B Union City, CA 94587

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, you may serve the County of Alameda with a written objection. You must serve the objection within two weeks of receiving this notice. Alternatively, you may move the Court to modify or quash the Subpoena.
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/19/11

Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the

Northern Di	istrict of California
J.H., et al.	)
Plaintiff	) Civil Action No. CV10-02507 LHK
V.	)
Baldovinos, et al.	) (If the action is pending in another district, state where:
Defendant	)
SUBPOENA TO PRODUCE DOCU OR TO PERMIT INSPECTION	UMENTS, INFORMATION, OR OBJECTS NOF PREMISES IN A CIVIL ACTION
To: Dr. Adrienne Candell, Kaiser Permanente Psychia	try, 3553 Whipple Rd Bldg B, Union City, CA 94587
documents, electronically stored information, or objects material:	oduce at the time, date, and place set forth below the following, and permit their inspection, copying, testing, or sampling of the ychiatric or psychological treatment and treatment for substance SSN DOB DOB and and Research,
	Date and Time:
Place: Office of the County Counsel, Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612	02/02/2011 9:00 am
other property possessed or controlled by you at the tim may inspect, measure, survey, photograph, test, or samp Place:	to permit chary of the property of any designated object or operation on it.  Date and Time:
The provisions of Fed. R. Civ. P. 45(c), relating 45 (d) and (e), relating to your duty to respond to this stattached.	g to your protection as a person subject to a subpoena, and Rule ubpoena and the potential consequences of not doing so, are
Date:	
CLERK OF COURT	OR We Swally
Signature of Clerk or Deput	ty Clerk Attorney's Agnature
The name, address, e-mail, and telephone number of the	e attorney representing (name of party) County of Alameda, who issues or requests this subpoena, are:
Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (Scounty; 1221 Oak St., Suite 450, Oakland, CA 94612	510) 272-6700 x 26717; Office of the County Counsel, Alameda

O 88B (Rev. 06/09) Subpoens to	Produce Documents, Information, or Objects or to P	ermit Inspection of Premises in a Civil Action (Pag	ge 2)
Civil Action No. CV10-02	2507 LHK		,
	PROOF OF SE		
(This sect	ion should not be filed with the court	unless required by Fed. R. Civ. P. 4	(5.)
This subpoena for	(name of individual and title, if any)		
as received by me on (dat	(e)		
☐ I served the sub	poena by delivering a copy to the nar	ned person as follows:	
		On (date)	; or
C. I returned the S	ubpoena unexecuted because:		
O Tieturned the s	aopoetia anoxogatoa opoetaso.		
tendered to the wings	na was issued on behalf of the United tness fees for one day's attendance, ar  for travel and \$	nd the mileage allowed by law, in the for services, for a total of \$	amount of
I declare under pe	nalty of perjury that this information	s true.	
ate:			
		Server's signature	
•		Printed name and title	
	•		
		Server's address	

- (c) Protecting a Person Subject to a Subpoena.
- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
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- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
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- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
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- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpocnaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

IN THE MATTER OF J.H., A MINOR, ET AL. V. YOLANDA BALDOVINOS, ET AL. 1 RE: United States District Court - Northern District of California (San Jose Division) Case No. C 10-2507 LHK 2 PROOF OF SERVICE 3 I am a citizen of the United States, over the age of 18 years and not a party to 4 the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296. 5 On the below date, I served the attached: 6 NOTICE TO CONSUMDER; and 7 SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS 8 OR TO PERMIT ISNPECTION FO PREMISES IN A CIVIL ACTION 9 in the above-mentioned matter on the parties to this action by placing a true copy 10 thereof in a sealed envelope, addressed as follows: 11 Plaintiff Belina K Aaron Cohn 12 Matthew Vafidis **HOLLAND & KNIGHT** 13 50 California Street **Suite 2800** 14 San Francisco, CA 94111 Tel: 415-743-6900 15 Fax: 415-743-6910 16 17 BY CERTIFIED MAIL: I am readily familiar with the Office of the County X Counsel, Alameda County's practice for collecting and processing 18 correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the 19 United States Postal Service in the City of Oakland, California, in a sealed 20 envelope with postage fully prepaid. 21 I declare under penalty of perjury that the foregoing is true and correct and that 22 this declaration was executed at Oakland, California on January 19, 2011 23 24 25 26 27 28 PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK

RICHARD E. WINNIE [68048]	
County Counsel	
MARY ELLYN GORMLEY [154327]	
Assistant County Counsel	
Office of the County Counsel, County of Alameda	
1221 Oak Street, Suite 450, Oakland, CA 94612	
(510) 272-6700	
Mary.ellyn.gormley@acgov.org	
Attorneys For County of Alameda	
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA	Case Number:
(SAN JOSE DIVISION)	CV10-02507 LHK
280 South 1st Street	
San Jose, CA 95113	
Petitioner: Belinda Kirk	
Respondent: County of Alameda	
NOTICE TO CONSUMER	
(45 C.F.R. § 164.512(e))	<u> </u>

TO: KK, JAK

1. PLEASE TAKE NOTICE THAT THE COUNTY OF ALAMEDA SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on: February 7, 2011 The records are described in the subpoena directed to

A Better Way, Inc. 3200 Adeline Street Berkeley, CA 94703-2407.

A copy of the subpoena is attached.

- 2. IF YOU OBJECT to the production of these records, before the date specified, you may move the Court to modify or quash the Subpoena pursuant to FRCP 45(c)(3)(A), or move the Court to issue a protective order under FRCP 26(c).
- 3. YOU OR YOUR ATTONEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: 1/21/11

Mary Ellyn Gormley
Assistant County Counsel
Attorney for County of Alameda

# UNITED STATES DISTRICT COURT for the

for un	
Northern District of	of California
J.H., et al. )  Plaintiff )  V. )  Baldovinos, et al. )  Defendant )	Civil Action No. CV10-02507 LHK  (If the action is pending in another district, state where:
SUBPOENA TO PRODUCE DOCUMEN	TS. INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF P	REMISES IN A CIVIL ACTION
To: A Better Way, Inc., 3200 Adeline Street, Berkeley, CA 94	.703-2407
documents, electronically stored information, or objects, and p material:  the complete medical record, including any psychiatr abuse for James aka and possible. SSN	ic or psychological treatment and treatment for substance
	Date and Time:
Place: Office of the County Counsel, Alameda County 1221 Oak Street, Sulte 450 Oakland, CA 94612	02/07/2011 9:00 am
Of Inspection of Premises: YOU ARE COMMANDED other property possessed or controlled by you at the time, date may inspect, measure, survey, photograph, test, or sample the Place:	
The provisions of Fed. R. Civ. P. 45(c), relating to yo	ur protection as a person subject to a subpoena, and Rule
45 (d) and (e), relating to your duty to respond to this suppose attached.	ia and the potential comequences of the same
Date: 1/21/11	
CLERK OF COURT	OR Meganly
Signature of Clerk or Deputy Clerk	Attorney's signature
Signature of Clerk or Deputy Clerk  The name, address, e-mail, and telephone number of the attorn  Mary Ellyn Gormley; Mary.ellyn.gormley@acgov.org; (510) 2	ney representing (name of party) County of Alameda, who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CV10-02507 LHK

#### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

(11115 50)	mon bisous not object miss and account	•	
This subpoena fo	t (name of individual and title, if any)		
s received by me on (de	ate)	•	
☐ I served the su	abpoena by delivering a copy to the nam	ned person as follows:	
		On (date)	; or
			· · · · · · · · · · · · · · · · · · ·
Unless the subpotendered to the w	ena was issued on behalf of the United ritness fees for one day's attendance, an	States, or one of its officers or agents, d the mileage allowed by law, in the ar	I have also mount of
\$	•		
fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under p	enalty of perjury that this information i	s true.	
»:			
		Server's signature	
		Printed name and title	
		• •	
	-	Server's address	

#### (c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (1) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

#### (d) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoensed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

2	Case No. C 10-2507 LHK
3	PROOF OF SERVICE
4 5	I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.
6	On the below date, I served the attached:
7	Notice to Consumer and
8	Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action
9	in the above-mentioned matter on the parties to this action by placing a true copy thereof in a sealed envelope, addressed as follows:
1  2  3  4	Aaron Cohn Matthew Vafidis HOLLAND & KNIGHT 50 California Street Suite 2800 San Francisco, CA 94111 Tel: 415-743-6900 Fax: 415-743-6910
6  7  8	BY CERTIFIED MAIL: I am readily familiar with the Office of the County Counsel, Alameda County's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for
9	collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in the City of Oakland, California, in a sealed envelope with postage fully prepaid.
21   22   23	BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the addressee(s).  I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on January 21, 2011.
24	Mari Ann
26 27 28	PROOF OF SERVICE, J.H., a Minor v. Baldovinos, et al., Case No. C 10-02507 LHK